

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH DOUGLAS THOMAS,	§	
TDCJ-CID NO. 624254,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-14-1679
	§	
JONATHAN ARCENEUX, et al.,	§	
	§	
Defendants.	§	

OPINION ON DISMISSAL

Plaintiff Keith Douglas Thomas, an inmate currently confined at the Harris County Jail, filed this civil rights suit under 42 U.S.C. § 1983. (Docket No. 1.) Plaintiff has not paid the required filing fee and presumably seeks permission to proceed *in forma pauperis*. Plaintiff's Complaint alleges that Texas Department of Criminal Justice - Parole Division officials denied Plaintiff due process in regard to his parole revocation proceedings. (Id. at 6.) Plaintiff seeks compensatory and punitive damages. (Id.)

Under 28 U.S.C. § 1915(g), a prisoner cannot file a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action that was dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. The only exception to this revocation of an inmate's privilege to proceed *in forma pauperis* is


if he is in imminent danger of serious physical harm. Banos v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998).

Plaintiff is clearly subject to the three-strikes bar under Section 1915(g) because his litigation history reveals that he has previously filed at least three cases in the federal courts, while incarcerated, that were dismissed as frivolous or failing to state a claim. See Thomas v. Hanley, 14:9609cv193 (E.D. Tex.); Thomas v. Hanley, 4:96cv624 (E.D. Tex.); Thomas v. Brady, 1:96cv668 (E.D. Tex.); Thomas v. Ede, 1:96cv247 (E.D. Tex.). Moreover, Plaintiff's present complaint does not allege facts showing that he is in imminent danger of serious physical harm. Instead, Plaintiff's complaint deals exclusively with events surrounding the revocation of his parole.

Accordingly, it is ORDERED that this complaint is DISMISSED under 28 U.S.C. § 1915(g). Any pending motions are further DENIED.

The Clerk will provide a copy of this Order to Plaintiff and to the Clerk of the United States District Court for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Betty Parker, Three-Strikes List Manager.

SIGNED at Houston, Texas, on June 20, 2014.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE